



BOARD OF SUPERVISORS

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COUNTY OF LOS ANGELES DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

"To Enrich Lives Through Effective and Caring Service"



Joseph M. Nicchitta
Director

Joel Ayala
Chief Deputy

Rafael Carbajal
Chief Deputy

Hearing Officer/Department of Consumer & Business Affairs

Hearing Date
05/23/2019
Agenda Item No.
5

Transmittal Checklist

Petitioner Name: Maria Toro
Case Number: RSQ19-03313
Case(s): IRSO Petition for Noncompliance
DCBA Staff: Shannon Louis

- ☒ Petition Summary
- ☐ Parcel Profile Report (separate attachment)
- ☒ Staff Report
- ☒ Burden of Proof Statement(s)
- ☒ Notice of Increase
- ☒ Rent Receipt

Reviewed By: Dana Pratt



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Case Number
RSQ19-03313

Hearing Date
5/23/2019

PETITION SUMMARY

PETITIONER NAME

Maria Toro

PETITION DATE

March 27, 2019

PETITION OVERVIEW

Petitioner has filed a Petition for Noncompliance, requesting a reduction in rent in accordance with the Interim Rent Stabilization Ordinance, Ordinance Number 2018-0045. According to the Notice of Increase, the rent increase was supposed to become effective on April 10, 2019. However, DCBA determined that the rent increase should have gone into effect on April 11, 2019.

PROPERTY ADDRESS

7537 Maie Avenue Los Angeles, California 90001

KEY ISSUES

- Rent was increased from \$950.00 from \$1,045.00
- Total increase is in the amount of 10.00%
- 60-day notice of rent increase was issued on February 10, 2019
- Per the effective date of the rent increase, both the April and May 2019 rent payments will be due by the hearing date

STAFF RECOMMENDATION

Approval

DCBA STAFF:

Shannon Louis 213-974-4118 SLouis@dcba.lacounty.gov



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May 13, 2019

TO: Gina Natoli, AICP
Hearing Officer

FROM: Shannon Louis

Case No. RSQ19-03313
Maria Toro vs. Alejandro Ortiz-Martinez
Hearing Officer Meeting: May 23, 2019 – Agenda Item: 5

Petition Description

Interim Rent Stabilization Ordinance(IRSO) Petition for Noncompliance

Tenant is disputing a rent increase issued for the covered rental unit located at 7537 Maie Avenue Los Angeles, CA 90001 in the unincorporated area of Florence-Firestone in Los Angeles County.

The Petitioner reported receiving a 60-day Notice of Increase on February 10, 2019 increasing the rent to \$1,045.00, effective April 10, 2019. The Petitioner's base rent on September 11, 2018 was \$950.00 – which constitutes a \$95.00 rent increase. The petition was filed with the Department of Consumer & Business Affairs (DCBA) on March 27, 2019. The Petitioner's Notice of Increase was issued on February 10, 2019 and per California Civil Code Section 827, the rent increase should have actually become effective on April 11, 2019 – which is 60 days from the issue date, due to the rent increase being 10% or above.

Use Type

Certificate of Occupancy or equivalent was not available

Year Built/Certificate of Occupancy(COO)

Certificate of Occupancy or equivalent was not available

Previous Petitions/History

N/A

Staff Evaluation & Burden of Proof

According to Ordinance No. 2018-0045, DCBA has determined that the rental unit located at 7537 Maie Avenue Los Angeles, CA 90001 is covered under the Los Angeles County Interim Rent Stabilization Ordinance and is subject to its conditions.

The IRSO covers residential dwellings on properties with two or more units in the unincorporated areas of Los Angeles County with initial certificates of occupancy or equivalent issued on or before February 1, 1995. **Ordinance No. 2018-0045 Section 1(A) and Section 1(B).**

The IRSO limits rent increases to 3% once per 12-month period and applies to any rent increase taking effect on or after September 11, 2018. **Ordinance No. 2018-0045 Section 3(A).**

The proposed increase in the amount of \$1,045.00 would increase the petitioner's rent from \$950.00 to \$1,045.00 or by 10.00%. According to the ordinance, the tenant's maximum allowable rent would be \$978.50. If approved and the tenant has paid the requested increase, the landlord respondent needs to credit the tenant for any overpayments above 3% that have occurred since the rent increase took effect – which would total \$133.00 for the months of April and May 2019. **Ordinance No. 2018-0045 Section 3(A)(1).**

Lump Sum Credit Option

<i>June 1, 2019</i>	<i>\$133.00</i>
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Six Month Credit Option

<i>June 1, 2019</i>	<i>\$22.17</i>
<i>July 1, 2019</i>	<i>\$22.17</i>
<i>August 1, 2019</i>	<i>\$22.17</i>
<i>September 1, 2019</i>	<i>\$22.17</i>
<i>October 1, 2019</i>	<i>\$22.17</i>
<i>November 1, 2019</i>	<i>\$22.15</i>

Proof of Service/Notice of Hearing

The Petitioner, Maria Toro, returned the Proof of Service form to DCBA on March 27, 2019. The DCBA sent the Notice of Hearing on May 3, 2019.

Public Comments

N/A

Fees/Deposits

N/A

Landlord Contact

On April 3, 2019, the DCBA contacted the landlord respondent counsel the landlord respondent on his rights under Ordinance No. 2018-0045. The call was not answered, and a voicemail was not available.

On May 3, 2019, DCBA mailed the Notice of Hearing to the landlord respondent at 16220 Indian Creek Road Cerritos California, 90703.

On April 11, 2019, the DCBA made a second attempt to contact the landlord respondent counsel the landlord respondent on his rights under Ordinance No. 2018-0045. The phone number was disconnected.

On May 8, 2019, DCBA made a third attempt to contact the landlord respondent to counsel the landlord respondent on his rights under Ordinance No. 2019-0045 and to determine if the Notice of Hearing was received. The phone number remains disconnected.

It should be noted that DCBA attempted to retrieve additional contact information including an email address, different physical address, and an updated phone number – for the landlord respondent at every attempt above, but was unsuccessful.

Staff Recommendation

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends APPROVAL of the Interim Rent Stabilization Ordinance Petition for Noncompliance – Case Number RSQ19-03313.

SUGGESTED STATEMENT

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE INTERIM RENT STABILIZATION ORDINANCE PETITION FOR NONCOMPLIANCE – CASE NUMBER RSQ19-03313 IS **APPROVED**, SUBJECT TO THE ATTACHED CONDITIONS.

Suggested Approval Statement

Prepared by Shannon Louis

Reviewed by Dana Pratt

Attachments

Notice of Increase

Initials JMN:DP: sl

(5/13/19)

BURDEN OF PROOF STATEMENT

DCBA Case # RSQ19.03313

Section IV: Reason for Petition *(explain in detail why you are requesting a hearing)*

Yo Maria Toro notifico que la Propiedad donde estoy Rentando me aumentaran el 10%. Yo no puedo pagar lo que el dueño esta exigiendo del 10% el apartamento no esta en buenas condiciones el dueño cada año me esta subiendo el 10% la Propiedad que yo Rento es la direccion 7537 Maia ave apt 6 Los Angeles Ca 90001 el aumento Salario sube y el dueño sube la renta Yo soy madre soltera con dos hijos para pagar el aumento de renta

IS THIS MATTER URGENT?

☒ Yes ☐ No

REASON FOR URGENCY *(must attach relevant documents in order to be considered):*

La razon es Por que el dia 10 de abril 2019 tengo que pagar el aumento del 10% yo no puedo pagar lo que el dueño exige ya que con el dueño de que hay un control de Renta Pero el me dice que no hay en el area de Florence - grandham

Section V: Signature of Petitioner

Maria Toro

Petitioner Name (Print)

Tenant

Petitioner Title (Tenant, Landlord, Mobilehome Homeowner or Park Owner)

323) 501-52-49

Petitioner Telephone Number

Maria Toro

Signature

3/27/19

Date

NOTICE OF INCREASE

Change of Terms of Tenancy

To: Maria Toro

Address 7537 Maie Ave., L.A. CA. 90001

This shall constitute formal notice that your monthly rent shall increase to the sum of
\$ 1045.00, effective 4-10-2019.

This notice is in accordance with Civil Code Section 827.

Date 2-10-2019

Landlord/Agent Alejandro Ortiz

(Landlord's- If you are increasing the rent in excess of 10%, 60 days advance notice is necessary.)

This form created by the Law Firm of Dennis P. Block & Associates

Los Angeles 323 938-2868 Encino 818 986-3147 Inglewood 310 673-2996

Orange 714 644-8232 Ventura 805 653-7264 Pasadena 626 798-1014

San Bernardino 909 877-6565

RENT RECEIPTS

RECEIPT		DATE <u>3-10-19</u>	No. <u>0077453</u>
RECEIVED FROM <u>Maria Toro</u>		<u>\$950-</u>	
<u>Nine hundred fifty dollars</u>		DOLLARS	
<input checked="" type="radio"/> FOR RENT		<u>7537 W. Ave NE LA CA 90011</u>	
<input type="radio"/> FOR			
ACCOUNT		<input type="radio"/> CASH	FROM <u>3-10-19</u> TO <u>4-9-19</u>
PAYMENT		<input type="radio"/> CHECK	
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	
		BY _____	